

## BOARD OF EDUCATION

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NOTICE OF ADOPTION OF CO-LOCATION PLAN

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The District of Columbia Board of Education ("Board"), pursuant to the authority set forth in D.C. Code, 2001 Edition, Section 38-101 et seq., hereby gives notice of adoption by the D.C. Board of Education of the Superintendent's recommended Co-Location Plan at April 27<sup>th</sup>, 2005, Regular Board Meeting. The Board directed the Superintendent to work collaboratively with each potentially affected school community and make final recommendations for Co-Location to the Board of Education for approval. The estimated timeline for the Board to consider his recommendations is June 2005. The plan identifies ten schools as being eligible for co-location. The eligible schools are:

- (1) Bunker Hill ES,
- (2) Draper ES,
- (3) Ferebee-Hope ES,
- (4) Emery ES,
- (5) Fletcher-Johnson EC,
- (6) the "old Miner" building,
- (7) PR Harris EC,
- (8) Tyler ES,
- (9) Ron Brown MS, and
- (10) Hart MS.

Requests for Letters of Interest will be posted on the DCPS web site at [www.k12.dc.us](http://www.k12.dc.us), which will include details about each facility. Charter Schools interested in co-locating within one of the above District of Columbia Public Schools (DCPS) may submit letters of interest to Robin O'Hara, Planning Manager, 1709 3rd Street N.E., Washington, DC, 20002 for review within 30 days of this notice publicized in the D.C. Register.

**DISTRICT OF COLUMBIA  
BOARD OF ELECTIONS AND ETHICS**

**Certification of Filling a Vacancy  
In Advisory Neighborhood Commission**

Pursuant to D.C. Code section §1-309.06 (d)(6)(G) and the resolution transmitted to the District of Columbia Board of Elections and Ethics ("Board") from the affected Advisory Neighborhood Commission, the Board hereby certifies that a vacancy has been filled in the following single member district by the individual listed below:

**Lawrence Wooten  
Single Member District 5B05**

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF HEALTH**

**NOTICE OF PERMIT ACTION**

Notice is hereby given that, pursuant to 40 CFR Part 51.61, D.C. Code § 1.1506, and 20 DCMR § 206, the Air Quality Division (AQD) of the Environmental Health Administration located at 51 N Street, N.E., Washington, D.C., intends to issue a permit to Bureau of Engraving and Printing (BEP) to construct two Super Orlof, non-heatset intaglio currency presses, located at on 1<sup>st</sup> floor, C -Wing, of the Main Building at 14<sup>th</sup> and C Streets, S.W., in the District of Columbia.

The application and construction permit are available for public inspection at AQD and copies may be made between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Abraham T. Hagos, at (202) 535-1354.

Interested persons may submit written comments within 30 days of publication of this notice. Comments should be addressed to Stanley C. Tracey, Chief, Engineering and Planning Branch, Air Quality Division, Environmental Health Administration, 51 N Street, N.E., Washington, D.C. 20002. No written comments postmarked after June 13, 2005 will be accepted. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address, and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit. For more information, please contact Abraham T. Hagos at (202) 535-1354.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF HEALTH**

**NOTICE OF PERMIT ACTION**

Notice is hereby given that, pursuant to 40 CFR Part 51.61, D.C. Code § 1.1506, and 20 DCMR § 206, the Air Quality Division (AQD) of the Environmental Health Administration located at 51 N Street, N.E., Washington, D.C., intends to issue a permit to install and operate one (1) 0.5 million Btu per hour natural gas firing Lochinvar, Model CHN501 boiler to Walter Reed Army Medical Center, Building #18, (Walter Reed Inn) located at 6900 Georgia Avenue, N.W., in the District of Columbia.

The application for construction and permit to construct and operate of the boiler is available for public inspection at AQD and copies may be made between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Abraham T. Hagos, at (202) 535-1354.

Interested persons may submit written comments within 30 days of publication of this notice. Comments should be addressed to Stanley C. Tracey, Chief, Engineering and Planning Branch, Air Quality Division, Environmental Health Administration, 51 N Street, N.E., Washington, D.C. 20002. No written comments postmarked after June 13, 2005 will be accepted. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address, and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit. For more information, please contact Abraham T. Hagos at (202) 535-1354.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF HEALTH**

**NOTICE OF PERMIT ACTION**

Notice is hereby given that, pursuant to 40 CFR Part 51.61, D.C. Code § 1.1506, and 20 DCMR § 206, the Air Quality Division (AQD) of the Environmental Health Administration located at 51 N Street, N.E., Washington, D.C., intends to issue a permit to install and operate two (2) 0.5 million Btu per hour natural gas firing Bryan Steam Corp. Model RV 500 FDG boilers and 400 kW Cummins diesel generator set model DFEB 60 HZ to American University, Katzen Arts Center located at 4400 Massachusetts Avenue, N.W., in the District of Columbia.

The application for construction and permit to construct and operate of the boiler is available for public inspection at AQD and copies may be made between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Abraham T. Hagos, at (202) 535-1354.

Interested persons may submit written comments within 30 days of publication of this notice. Comments should be addressed to Stanley C. Tracey, Chief, Engineering and Planning Branch, Air Quality Division, Environmental Health Administration, 51 N Street, N.E., Washington, D.C. 20002. No written comments postmarked after June 13, 2005 will be accepted. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address, and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit. For more information, please contact Abraham T. Hagos at (202) 535-1354.

## Department of Housing and Community Development REQUEST FOR QUALIFICATIONS

801 North Capitol Street, N.E.  
Washington DC 20002

### SITE ACQUISITION FUNDING INITIATIVE FOR AFFORDABLE HOUSING UNDER THE HOUSING PRODUCTION TRUST FUND (HPTF) PROGRAM

Jalal Greene, Director, Department of Housing and Community Development (DHCD), announces a Request for Qualifications (RFQ), in the amount of Fifteen Million Dollars (\$15 Million), under the Housing Production Trust Fund Program (HPTF) for a Site Acquisition Funding Initiative for Affordable Housing, to be administered by the Department of Housing and Community Development (DHCD). DHCD invites eligible applicants to respond to this RFQ by submitting an application to DHCD in accordance with the RFQ requirements.

#### A. Purpose of Initiative

The District of Columbia Department of Housing and Community Development (DHCD) is seeking to participate with organizations ("Lenders") who provide site acquisition loans and predevelopment loans to non-profit affordable housing developers. The Site Acquisition Funding Initiative for Affordable Housing (SAFI) is aimed at leveraging DHCD funds with private monies to provide quick-closing, easily accessible, revolving loan funds to non-profit developers committed to providing affordable housing in the District of Columbia.

#### B. Eligible Applicants

1. Eligible applicants include Lenders who demonstrate a substantial record of affordable housing and community development lending in the District of Columbia during the last five years. Lenders must have a strong record of success in lending activities, evidenced by a high rate of loan repayment by developers, timely repayment, completion of funded projects, and a low rate of defaults and foreclosures. If selected, the applicant must be ready to proceed immediately with implementation of this initiative.
2. Participating Lenders are also required to commit their own funding to the following activities:
  - a. Matching loan funds for acquisition of sites, in an amount at least equal to the HPTF dollars loaned to the Lender, however higher matching percentages are encouraged;
  - b. Providing pre-construction loans for architectural and engineering expenses, carrying costs, consultant costs and other typical expenses incurred by developers prior to securing construction and permanent financing, unless otherwise approved by DHCD; and/or
  - c. Providing technical assistance and pre-development loans to developers, unless otherwise approved by DHCD.

4635

C. **Eligible Uses of Funds**

- a. Site Acquisition Loans, and/or
- b. Pre-Acquisition Loans/ Pre-Development Loans.

D. **Eligible Projects**

Properties in the District of Columbia consisting of at least 10 units for development as rental housing (except for special needs housing, which shall be at least 5 units) or at least 5 units for development as ownership housing.

E. **Application Requirements**

Application forms will be available from the Department of Housing and Community Development on Monday, May 9, 2005. Application requirements will be detailed in the **Request for Qualifications**.

An original and three (3) copies of the completed application must be received by 4:00 PM, EDT on Monday, May 23, 2005, at **DHCD, Development Finance Division, 801 North Capitol Street, N.E., Second Floor Reception Desk, Washington, DC 20002**. Individuals, hand-delivering applications, must have picture identification and a transmittal letter on organization letterhead stating their name and the purpose of their visit. Any application delivered by commercial carrier must have a complete and legible return address. Failure to comply with these requirements may result in an application not being accepted.

F. **Available Funds**

It is expected that Fifteen Million Dollars (\$15 Million) will be available for SAFI in Fiscal Year 2005. DHCD reserves the right to fund all or a portion of the requested amount, based on the feasibility of the applications received, the total requested, and the availability of funds. Selections are also made in compliance with all pertinent statutory requirements.

SEED PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

FOR EDUCATIONAL SERVICES

MATH SUMMER PROGRAM

Interested parties shall respond to this RFP by submitting sealed qualification statements and by addressing the specific proposal requirements, as requested in this RFP in an envelope clearly marked "RFP – MATH SUMMER PROGRAM AT SEED PUBLIC CHARTER SCHOOL" to:

Josh Edelman  
Director of Academic Programs  
THE SEED PUBLIC CHARTER SCHOOL of Washington DC  
4300 C Street SE  
Washington DC 20019  
202-248-7773



**Introduction**

SEED PUBLIC CHARTER SCHOOL (SEED) is soliciting proposals and qualification statements from interested parties having specific interest and qualifications in the areas identified in this solicitation. Qualification statements for consideration must contain evidence of the bidder's experience and abilities in the specified area and other disciplines directly related to the proposed work. Other information required by SEED includes the submission of profiles and resumes of the staff to be assigned to the project, references, illustrative examples of similar work performed, and any other requested information which will clearly demonstrate the bidder's expertise in the area of this solicitation.

A selection committee will review and evaluate all qualification statements and proposals and may request that the bidders make oral presentations and or provide additional information. The selection committee will rely on the qualification statements and proposals in selection of finalists and, therefore, bidders should emphasize specific information considered pertinent to this solicitation and submit all information requested.

**Project Scope**

**PROVIDE EDUCATIONAL SERVICES FOR THE MATH SUMMER PROGRAM  
AT SEED PUBLIC CHARTER SCHOOL LOCATED AT 4300 C STREET SE,  
WASHINGTON D.C.**

It is the intent of this RFP to select an educational company utilizing the criteria set forth under the proposal requirements section of this RFP. This project shall commence on or about June 27, 2005 and conclude on or about, but no later than July 22, 2005.

All bidders shall understand that SEED reserves the right to include Liquidated Damages in the Contract. Selection and award is anticipated to be on or before May 6, 2005. SEED reserves the right to reject any and all qualification statements, to cancel this solicitation, and to waive any informalities or irregularities in procedure.

**Background**

SEED is an existing public charter boarding school serving over 300 students who reside in Washington DC. SEED opened in 1998, and operates 24 hours a day for students in grades seven through twelve. SEED is dedicated to college preparation both inside and outside the classroom. SEED's six-year program prides itself on developing students for college and the professional world-beyond through a combination of a rigorous academic curriculum, comprehensive life skills courses and wide-ranging enrichment opportunities. All students live on campus five days a week, ten months a year, as well as some weekends during each month.

**Planned Scope of Work**

The scope of work shall include support to 90 incoming and returning SEED students who are working hard to reach grade-level (or above) in Math. The educational company should offer an innovative curriculum and instructional methods to motivate below grade-level math students, which includes daily courses as well as the curriculum and instructional resources/materials necessary to facilitate the programming.

**Qualification Statement Requirements**

Proposals shall include, at a minimum, the following information organized as follows in their qualification statement:

1. A brief discussion of the company, its organization (history and experience) and services offered;
2. Information that demonstrates a history of providing successful and innovative math curriculum and instructional methods to students in grades seven through twelve (i.e. a proven track record or at least three references);
3. Name of organization, contact person, telephone number, project description and project value; and
4. Proposed team, along with qualifications and experience of each team member;

**Proposal Requirements**

1. Fee, including any hourly rates for proposed staff; and
2. Scope of Proposed Math Program Services and Exclusions to include:
  - a) a list of services to be provided; and
  - b) any items, if any, the company would request of SEED to make the Math Summer Program successful.

Should you have any questions with regard to this solicitation, please contact:

Josh Edelman  
Director of Academic Programs  
THE SEED PUBLIC CHARTER SCHOOL of Washington DC  
4300 C Street SE  
Washington DC 20019  
202-248-7773

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 17308 of Mark E. Stacey**, pursuant to 11 DCMR § 3104.1, for a special exception to allow a rear deck addition to an existing single-family dwelling under section 223, not meeting the rear yard requirements (section 404), and side yard requirements (section 405), in the R-2 District at premises 4421 Faraday Place, N.W. (Square 1582, Lot 219)

**HEARING DATE:** April 26, 2005

**DECISION DATE:** April 26, 2005 (Bench Decision)

**SUMMARY ORDER**

**REVIEW BY THE ZONING ADMINISTRATOR**

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 3E and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3E, which is automatically a party to this application. ANC 3E submitted a report in support of the application. The Office of Planning (OP) submitted a report in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under section 223. No parties appeared at the public hearing in opposition to this application. Accordingly a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, that the requested relief can be granted being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied

by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED**.

**VOTE:**        4-0-1            (Geoffrey H. Griffis, John A. Mann II, Ruthanne G. Miller and Curtis L. Etherly, Jr. to approve, the Zoning Commission member not present not voting).

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

Each concurring member approved the issuance of this order.

**FINAL DATE OF ORDER:** April 26, 2005

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE

**MAY 13 2005**

PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

17303 223 SO

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 17314 of Stephen W. Warren**, pursuant to 11 DCMR § 3104.1, for a special exception to allow an addition to an existing single-family dwelling under section 223, not meeting the lot occupancy (section 403), rear yard (section 404) and nonconforming structure (subsection 2001.3) requirements in the R-4 District at premises 1002 N Street, N.W. (Square 340, Lot 78).

**HEARING DATE:** April 26, 2005

**DECISION DATE:** April 26, 2005 (Bench Decision)

**SUMMARY ORDER**

**REVIEW BY THE ZONING ADMINISTRATOR**

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 2F and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2F, which is automatically a party to this application. ANC 2F did not submit a report in the application. The Office of Planning (OP) submitted a report in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under section 223. No parties appeared at the public hearing in opposition to this application. Accordingly a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP report the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, that the requested relief can be granted being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied

by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED**.

**VOTE:**        **4-0-1**        (Geoffrey H. Griffis, John A. Mann II, Ruthanne G. Miller and Curtis L. Etherly, Jr. to approve, the Zoning Commission member not present not voting).

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

Each concurring member approved the issuance of this order.

**FINAL DATE OF ORDER:** April 26, 2005

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE

PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

17303 223 SO



MAY 13 2005

**ZONING COMMISSION NOTICE OF FILING**

**Case No. 03-12A/03-13A**

**(2<sup>nd</sup> Stage PUD and Modification to Consolidated PUD for Capper/Carrollsbury  
Dwellings)**

**May 3, 2005**

**THIS CASE IS OF INTEREST TO ANC 6D**

On April 29, 2005, the Office of Zoning received an application from Capper/Carrollsbury Venture, LLC, together with the District of Columbia Housing Authority (collectively, the "applicant") for approval of a second stage planned unit development ("PUD") and modification to the previously approved consolidated PUD.

The property that is the subject of this application consists of all of 739, 767-769, 797, 798, 825, 825S, and 882, along with portions of Squares 737, 799, 800, 824, and 880.

The applicant seeks approval of a second stage PUD and a modification to the previously approved consolidated PUD. This request is not inconsistent with the Comprehensive Plan of the District of Columbia.

For additional information, please contact the Secretary to the Zoning Commission at (202) 727-6311.

**ZONING COMMISSION ORDER NO. 04-04**  
**Z.C. Case No. 04-04**  
**(Consolidated PUD & Related Map Amendment – GW Carver Senior Apartments)**  
**April 11, 2005**

Pursuant to notice, the Zoning Commission for the District of Columbia held a public hearing on October 7, 2004 to consider an application from the Carver 2000 Tenants Association, Inc., for consolidated review and approval of a Planned Unit Development ("PUD") and related Zoning Map amendment, pursuant to Chapter 24 of the District of Columbia Municipal Regulations ("DCMR"), Title 11, Zoning. The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022 for contested cases.

**FINDINGS OF FACT**

**The Application, Parties, and Hearing**

1. On February 6, 2004, the Carver 2000 Tenants Association, Inc. (the "Applicant" or "Carver 2000") filed an application for consolidated review and approval of a PUD and related zoning map amendment for a site bounded by Central Avenue, East Capitol Street, 47<sup>th</sup> and 49<sup>th</sup> Streets, N.E. (the "PUD Site"). Carver 2000 is a nonprofit association, the members of which are residents or former residents of the existing George Washington Carver Apartments. Carver 2000 acquired the PUD Site under the District of Columbia's Right of First Purchase Program and has applied to the Internal Revenue Service to become a tax-exempt entity under IRS Section 501(c)(3). Carver 2000 will transfer its interest in the property into the GW Carver Senior Apartments LLC, an entity to be formed to carry out the development. Carver 2000 will be the sole managing member of the GW Carver Senior Apartments LLC, and the other member will be a low-income housing tax credit investor.
2. On April 12, 2004, the Zoning Commission decided to schedule a public hearing on the application. After proper notice, the Zoning Commission opened and completed the public hearing on October 7, 2004. The only party in the case in addition to the Applicant was Advisory Neighborhood Commission ("ANC") 7C, the boundaries of which include the PUD Site.
3. At its public meeting on March 14, 2005, the Zoning Commission took proposed action by a vote of 5-0-0 to approve with conditions the application and plans presented at the public hearing.

**MAY 13 2005**

4. The proposed action of the Zoning Commission was referred to the National Capital Planning Commission ("NCPC") pursuant to § 492 of the District Charter. NCPC, by action dated March 31, 2005, found that the proposal would not adversely affect the federal interest or be inconsistent with the Comprehensive Plan for the National Capital.
5. The Zoning Commission took final action to approve the application on April 11, 2005.

**The Site and the Area**

6. The subject property consists of Lots 78 and 79 in Square 5140 and has a land area of 48,927.5 square feet. The site is currently zoned R-5-A, Low-Density Apartments/General Residential, which allows a maximum density of 0.9 FAR and a maximum building height of three stories and 40 feet as a matter of right and 1.0 FAR and 60 feet, respectively, with a PUD.
7. The PUD site is a slightly irregular rectangle in shape. It is long in the east-west direction between 47<sup>th</sup> and 49<sup>th</sup> Streets, N.E. and relatively narrow in the north-south dimension between East Capitol Street and Central Avenue. The former garden apartment buildings on the site were scheduled for demolition in the fall of 2004.
8. The Application requested a zone change from R-5-A to R-5-B as part of the application, because the proposed building exceeds the bulk limits of the R-5-A zone, although the proposed height of the building could be accomplished within the 60-foot height limit allowed in the R-5-A zone with a PUD.
9. The zoning and land use pattern of this neighborhood area may be summarized as follows. The PUD Site is within an irregularly-shaped R-5-A Zone District that extends a few blocks to the north of East Capitol Street and extends a large distance to the south of East Capitol Street to encompass a substantial part of Ward 7. To the immediate north, the predominant development pattern is semi-detached houses, with a fire station located directly across Central Avenue from the PUD Site. Immediately to the south of the PUD Site is a large, triangular-shaped area bounded by East Capitol, 47<sup>th</sup>, and 49th Streets, S.E., improved with a large garden apartment complex, which constitutes the larger part of the GW Carver apartment complex. The tenants' association plans to complete a total redevelopment of this site in the future.
10. The R-5-A-zoned areas to the north and south of East Capitol Street are developed with a wide range of housing types, including garden apartments and detached, semi-detached, and row dwellings. Several large areas zoned R-2 are developed with semi-detached houses. Institutions, public facilities, and commercial uses are scattered throughout the area, including the fire station, places of worship, small commercial strips, public schools, and parks. The public schools in the area are JC Nalle Elementary, Kelly Miller Junior High, and Woodson High School. There is a senior center at the Metropolitan Police Boys and Girls Club a few blocks away and numerous shops on East Capitol Street.

MAY 13 2005

11. Public transportation serves the PUD Site well, with Metrobus stops in front of the building and the Benning Road Metrorail Station located three blocks to the west. The area surrounding the Metrorail Station is zoned C-3-A (Medium-Density Commercial), and existing development includes retail and service uses.

**The PUD Project**

12. The proposed apartment building will have 104 dwelling units, including 94 one-bedroom units and 10 two-bedroom units. The height of the proposed building is four stories and 58 feet. The gross floor area ("g.f.a.") as designed is 92,208 square feet, which equals a floor area ratio ("FAR") of 1.88 on the lot area of 48,927.5 square feet. Lot occupancy will be 48.5 percent.
13. Following the shape and dimensions of the PUD Site, the proposed building is relatively long and narrow -- narrow between East Capitol Street and Central Avenue and long in the east-west dimension. It is planned with two main entrances -- one on East Capitol Street and one on Central Avenue -- both leading into a secured lobby area.
14. No zoning flexibility was requested.
15. Approximately 80 percent of the exterior of the building will be brick in two different tones. The other exterior material will be an External Insulating and Finishing System ("EIFS"), which will provide added energy efficiency and accents for visual appeal. A freestanding brick sign using the same brick as the exterior will identify the apartment complex. The overall design of the apartment building will be contextual with the surrounding neighborhood in that it will be four stories high with a steeply pitched gable roof, traditional design, and predominantly brick exterior.
16. Mechanical units that are typically located on the roof and thus visually exposed will instead be enclosed within the pitched roof and will not be visible from any side of the building. Canopies at the entrances will provide a pleasant transition as well as shelter from direct sunlight and other elements for persons entering and leaving the building.
17. The apartments will have modern kitchens with dishwashers and microwave ovens, carpeting, window blinds, and cable television hookups. The building will incorporate special amenities for seniors, including congregate dining, a library, a quiet room, health care, computer access, and security. There will be two separate laundry facilities on the first floor, and four rooftop terraces totaling more than 1,800 square feet for residents to use.
18. A parking area will be situated at the eastern end of the site, with access from both Central Avenue and 49th Street. The provision of 23 spaces, including two handicapped spaces, complies with the parking requirement for affordable housing for seniors of one space for each six dwelling units. The parking area will be shielded from the Central Avenue and East Capitol Street views by dense shrubs and large shade trees in addition to the existing trees on site. East Capitol Street is at a somewhat lower elevation than the site, further hiding the parked cars from view. Both loading and trash pickup will be from the Central

MAY 13 2005

Avenue side of the building, with significant landscape screening. Based on testimony at the public hearing and at the direction of the Zoning Commission, the number of parking spaces was increased from 20 to 23 spaces, and the dumpster was relocated to the southeast corner of the site to be more removed from the abutting pair of semi-detached houses.

19. Landscaping around the site will consist of a variety of plant materials with an emphasis on native and low-maintenance plant selections for hardiness and plant succession. Street and site canopy trees will be added for shade, ornamental flowering trees for focal points and entry interest, and a building-edge planting of evergreen and deciduous plant materials to provide a foundation. The landscaping is designed to visually soften the building mass, mitigate noise of the street traffic, and screen parking and dumpster storage and loading dock areas. Landscaping will provide relief from unshaded paved areas, and alleviate noise and lighting glare associated with roadways and parking areas.
20. On September 27, 2004, the Applicant submitted to the record a document setting forth details about the affordable housing income levels and regulatory controls. One hundred percent (100%) of the apartments will be reserved for low-income and very-low-income renters. Carver 2000 will enter into a 40-year land use restriction agreement with the D.C. Housing Finance Agency ("DCHFA"), which will restrict all of the units to seniors earning less than sixty percent (60%) of the area median income (\$40,860 at present) for a period of not less than 40 years at rents that will not exceed thirty percent (30%) of the area median income. The Applicant will also enter into a Rent Regulatory Agreement with the D.C. Department of Housing and Community Development ("DHCD"), which will specify that approximately 40 percent of the apartments will serve households having thirty percent (30%) or less of the area median income, an additional forty percent (40%) of units will serve those with incomes of thirty percent (30%) to fifty percent (50%) of area median income, and twenty percent (20%) will serve those having fifty percent (50%) to eighty percent (80%) of area median income.
21. The Applicant's economic feasibility and finance consultant, New Market Investors, Inc., testified that the project will generate substantial numbers of construction jobs, given the \$13,500,000 project cost. Requirements of the Memorandum of Understanding with the D.C. Office of Local Business Development, required pursuant to Condition 9 of this Order, include thirty-five percent (35%) of construction trade jobs to be filled by Local, Small and Disadvantaged Business Enterprises ("LSDBE"), fifty-one percent (51%) of jobs to be filled by D.C. residents, forty-two percent (42%) of the construction workforce to be minorities, twenty-five percent (25%) of the nonconstruction workforce to be minorities, and six and nine tenths percent (6.9%) of the construction jobs to be filled by women. This testimony also addressed the financing and subsidy structure of the project and indicated that a loss of one floor in the apartment house would jeopardize the financial viability of the project and reduce the public benefits provided.
22. In response to requests by the Zoning Commission at the public hearing, the Applicant submitted a Post-Hearing Submission on November 12, 2004 that addressed several issues. A revised Site Improvements Plan showed that the trash dumpster would be relocated away from the nearest residences to the southeast corner of the building. Second, the number of

MAY 13 2005

parking spaces was increased from 20 to 23. Shadow and volumetric studies confirmed that the proposed building would not cast a shadow on adjacent residences and that the building's size was not disproportionate to the surrounding neighborhood. Cross sections were submitted showing that the building's proposed height would be mitigated by topography that increases in elevation to the north and the south. The height of the building was reduced by one foot. This submission also provided documentation of the Applicant's First Source Employment Agreement and related jobs commitments to D.C. agencies.

23. As addressed in the Applicant's Pre-Hearing Statement and in testimony at the public hearing, the following public benefits and project amenities will be created as a result of this project.
- a. Housing and Affordable Housing. The 104 new apartment units with affordable rents for occupancy by senior citizens will help to meet the overall housing goals of the District of Columbia, as expressed in the Housing Element and the Ward 7 Element of the Comprehensive Plan. Development of affordable housing for senior citizens is a high priority in Ward 7 and the District generally.
  - b. Stabilizing and Improving the District's Neighborhoods. One of the overarching themes of the Comprehensive Plan specified in §102 is the goal of "stabilizing and improving the District's neighborhoods." The proposed infill residential development will help accomplish this goal. A deteriorated and failed apartment complex will be demolished to make way for development of an attractively designed apartment house with affordable rents for senior citizens. The existing buildings have been a detriment to the surrounding neighborhood in recent years, and nearby residents are supportive of the proposed plans to remove the problem buildings and replace them with a handsome new building for senior occupancy. The project includes a comprehensive relocation plan and the tenants' association is the property owner and Applicant.
  - c. Attractive architecture, urban design and landscaping. The building is attractive for an affordable housing development, including traditional architecture with gabled roof, enclosure of mechanical elements, and a predominantly brick exterior using two tones of brick and EIFS paneling for accents. At four stories but only 1.88 FAR, the building will be compatible in scale and design with the surrounding neighborhood. The landscaping plan will enhance both the private and public open spaces of the property. The apartment building includes superior functional areas for the use of the future residents, including congregate dining, a library, a quiet room, health care, computer access, and security.
  - d. Comprehensive Plan – Land Use Element. The Generalized Land Use Map of the Comprehensive Plan designates the site for Moderate-Density Residential development. The requested R-5-B zoning with a PUD is considered "not inconsistent" with this land use classification. The Office of Planning testified that R-5-B is one of the zone districts that may be considered "not inconsistent" with the Moderate-Density Residential designation. The Applicant further notes that this proposed project does not utilize the

MAY 13 2005

full 3.0 FAR allowed with a PUD in the R-5-B District, but is rather proposed to have a density of 1.88 FAR.

- e. Minimal Transportation Impacts. The proposed elderly housing development will generate a low level of automobile travel in and out of the site. The PUD Site is served by Metrobus routes along East Capitol Street and is within walking distance of the Benning Road Metrorail Station.

#### **Office of Planning Report**

- 24. By report dated October 7, 2004 and by testimony presented at the public hearing, the Office of Planning ("OP") recommended approval of the Application. "OP finds that this proposal supports [specified Comprehensive Plan] goals by: replacing existing buildings in poor condition with new development; eliminating a potentially disruptive condition from a stable residential neighborhood; increasing the quality of housing stock in Ward 7 and the District; and increasing the affordable housing opportunities specifically for neighboring elderly residents. OP therefore concludes this PUD proposal is not inconsistent with the Comprehensive Plan and it supports more specific housing goals identified in the Comprehensive Plan."
- 25. OP noted that in response to comments from the Zoning Commission, "the Applicant changed exterior siding materials to two shades of brick and siding to relate more subtly with the existing neighborhood. Rendered elevations provided to OP by the Applicant indicate that the resulting design would be an attractive addition to the community. Overall, OP also thinks the parking arrangement, vehicular circulation pattern, access to service locations and site landscaping will greatly enhance the utility of the site."
- 26. OP noted that "the eastern and western ends of the building are shorter in height so that the building 'steps down' as it nears the side property lines," thereby helping create a transition to lower adjacent buildings to the east and west. Regarding the concerns of ANC 7C about the building's proposed height, "OP thinks the construction would not conflict with existing residential and nonresidential buildings in the community, or the Comprehensive Plan. The proposed R-5-B zone district, and the associated allowance for buildings up to 60 feet in height, is not inconsistent with the Moderate Density Residential land use in the Plan. . . . Views to the south across Central Avenue are currently dominated by 2-3 story buildings located on a hillside that reach and exceed the proposed building's elevation. In fact, the roof elevations of buildings along A Street, N.E. and the Carver buildings on the southern end of 47<sup>th</sup> Street are greater than the roof elevation of the proposed 58-foot tall apartment building."

#### **Reports of Other Agencies**

- 27. By report dated July 13, 2004 the D.C. Department of Transportation stated that "this project will have negligible impact on existing traffic volumes and will not create dangerous or objectionable traffic conditions."

**MAY 13 2005**

28. The D.C. Fire and EMS Department indicated in a memorandum dated September 13, 2004 that it had no objection to construction of the proposed 104-unit apartment house.
29. The Department of Housing and Community Development ("DHCD") stated in a memorandum dated September 23, 2004, that DHCD is "a major party of interest and stakeholder in this proposed PUD project. DHCD is providing major funding. The developer will be required to provide a 40-year affordability period for all the DHCD subsidized units in the proposed building because DHCD is using Housing Production Trust Funds (HPTF) to fund this project." The report further stated that the proposed height will fit well into the neighborhood because the site is very narrow and surrounded by streets, the site is at a low point in the neighborhood, and the change in façade materials to a lighter color for the 4<sup>th</sup> floor will "establish a cornice line between the third and fourth floors and help integrate the fourth floor visually with the asphalt shingle roof."

**Advisory Neighborhood Commission 7C**

30. Advisory Neighborhood Commission 7C submitted a letter dated September 20, 2004, stating that, "while the ANC is not opposed to the subject venture, i.e., George Washington Carver Senior Housing, there are a number of very serious issues and concerns." The ANC's most significant concern was the size of the project at four stories and 104 apartment units. The letter also expressed concerns about the lack of 100 percent brick exterior construction, traffic volume, provisions for trash collection, handicapped access and security. The letter expressed appreciation to the Carver Tenants Association for complete discussions and information-sharing with the ANC.

**Other Community Organizations**

31. Letters in support of the PUD application were submitted to the record from the Far Northeast-Southeast Council, the Marshall Heights Community Development Organization, the Fort Dupont Civic Association, and the Northeast Boundary Civic Association.

**CONCLUSIONS OF LAW**

1. The PUD process is an appropriate means of controlling development of the site in a manner consistent with the best interests of the District of Columbia.
2. Pursuant to the Zoning Regulations, the PUD process is designed to encourage high-quality developments that provide public benefits, 11 DCMR § 2400.1. The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project "offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare and convenience," 11 DCMR § 2400.2.
3. The development of this PUD project carries out the purposes of Chapter 24 of the Zoning Regulations to encourage well-planned developments that will offer a variety of



MAY 13 2005

building types with more efficient and attractive overall planning and design not achievable under matter-of-right development.

4. The Zoning Commission has the authority under the Zoning Regulations to consider this application as a consolidated PUD. The Commission may impose development conditions, guidelines, and standards that may be exceed or be less than the matter-of-right standards identified for height, FAR, lot occupancy, yards, or courts. The Zoning Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the BZA.
5. The approval of this PUD is not inconsistent with the Comprehensive Plan.
6. The proposed PUD meets the minimum area requirements of 11 DCMR § 2401.1.
7. The development of this PUD is compatible with citywide goals, plans, and programs and is sensitive to environmental considerations. The Commission also finds that the proposed PUD is not inconsistent with the Comprehensive Plan.
8. The impact of the proposed PUD on the surrounding area and upon the operation of city services and facilities is not unacceptable
9. The public benefits of the PUD are adequate given the absence of development incentives being sought.
10. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001)), to give great weight to OP recommendations. The Commission carefully considered the OP report and, as explained in this decision, finds its recommendation to grant the application persuasive.
11. Under § 3 of the Comprehensive Advisory Neighborhood Commissions Reform Act of 2000, effective June 27, 2000 (D.C. Law 13-135, D.C. Code § 1-309.10(d)(3)(a)), the Commission must give great weight to the issues and concerns raised in the written report of the affected Commission. The ANC expressed concern over the size of the project at four stories and 104 apartment units as well as the lack of 100 percent brick exterior construction, traffic volume, provisions for trash collection, handicapped access and security.
12. The proposed PUD can be approved with conditions that ensure that the potential adverse effects on the surrounding area from the development will be mitigated.
13. The approval of the application is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1997.

MAY 13 2005

### DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia orders **APPROVAL** of this application for consolidated review of a planned unit development for Lots 78 and 79 in Square 5140 and for a related Zoning Map Amendment from R-5-A to R-5-B. The approval of this PUD is subject to the following guidelines, conditions and standards:

1. The PUD shall be developed in accordance with the plans prepared by the architectural firm of Arel Architects, marked as Exhibits 7, 19, 21, 39, and 42, as modified by the guidelines, conditions, and standards of this Order.
2. The development approved in this PUD shall be a new, 104-unit, four-story apartment building for senior citizens, including one apartment for the resident manager. All of the units shall be restricted to seniors earning less than sixty percent (60%) of the area median income for a period of not less than 40 years at rents that will not exceed thirty percent (30%) of the area median income. Approximately forty percent (40%) of the apartments shall serve households of seniors having thirty percent (30%) or less of the area median income, an additional forty percent (40%) of units shall serve those seniors with incomes of thirty percent (30%) to fifty percent (50%) of area median income and twenty percent (20%) shall serve those having fifty percent (50%) to eighty percent (80%) of area median income.
3. The total density of the development shall not exceed 1.88 FAR and the maximum lot occupancy shall not exceed forty-nine percent (49%).
4. The height of the building shall not exceed fifty-eight (58) feet.
5. The development shall provide off-street parking for twenty-three (23) vehicles, as shown on the site plan.
6. Exterior materials shall include two tones of brick and a cementitious fiber type of siding, or "EIFS."
7. The applicant shall have the flexibility to:
  - a. Vary the location and design of all interior components of the building, provided that the variations do not change the exterior configuration of the building;
  - b. Make minor adjustments in the façade detailing and fenestration, and in the location and appearance of signage, provided that such signage shall be generally consistent with the approved plans; and
  - c. Vary the mix of apartment unit types by up to 15 percent.

DISTRICT OF COLUMBIA REGISTER

Z.C. ORDER NO. 04-04

Z.C. CASE NO. 04-04

PAGE 10

MAY 13 2005

8. The Applicant shall enter into a First Source Employment Agreement with the Department of Employment Services ("DOES") prior to the issuance of a building permit.
9. The Applicant shall enter into a Memorandum of Understanding with the D.C. Office of Local Business Development prior to the issuance of a building permit.
10. No building permit shall be issued for this planned unit development and the PUD related map amendment shall not become effective until the Applicant has recorded a covenant in the land records of the District of Columbia, between the owner and the District of Columbia, that is satisfactory to the Office of the Attorney General and the Zoning Division of the Department of Consumer and Regulatory Affairs (DCRA). This covenant shall bind the Applicant and all successors in title to construct on and use the subject property in accordance with this Order or any amendment thereof.
11. The Office of Zoning shall not release the record of this case to the Zoning Division of DCRA until the Applicant has filed a certified copy of the covenant with the records of the Zoning Commission.
12. The PUD approved by the Zoning Commission shall be valid for a period of two years from the effective date of this Order. Within such time, an application shall be filed for a building permit as specified in 11 DCMR §§ 2408.8 and 2409.1. Construction shall start within three years of the effective date of this Order.
13. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this Order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The failure or refusal of the Applicant to comply shall furnish grounds for the denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this Order.

On March 14, 2005, the Commission voted to approve the application by a vote of 5-0-0 (Carol J. Mitten, Gregory N. Jeffries, Anthony J. Hood, John G. Parsons, and Kevin L. Hildebrand to approve).

This Order was adopted by the Zoning Commission at its public meeting of April 11, 2005, by a vote of 5-0-0 (Carol J. Mitten, John G. Parsons, Anthony J. Hood, Gregory N. Jeffries, and Kevin L. Hildebrand to approve).

**DISTRICT OF COLUMBIA REGISTER**

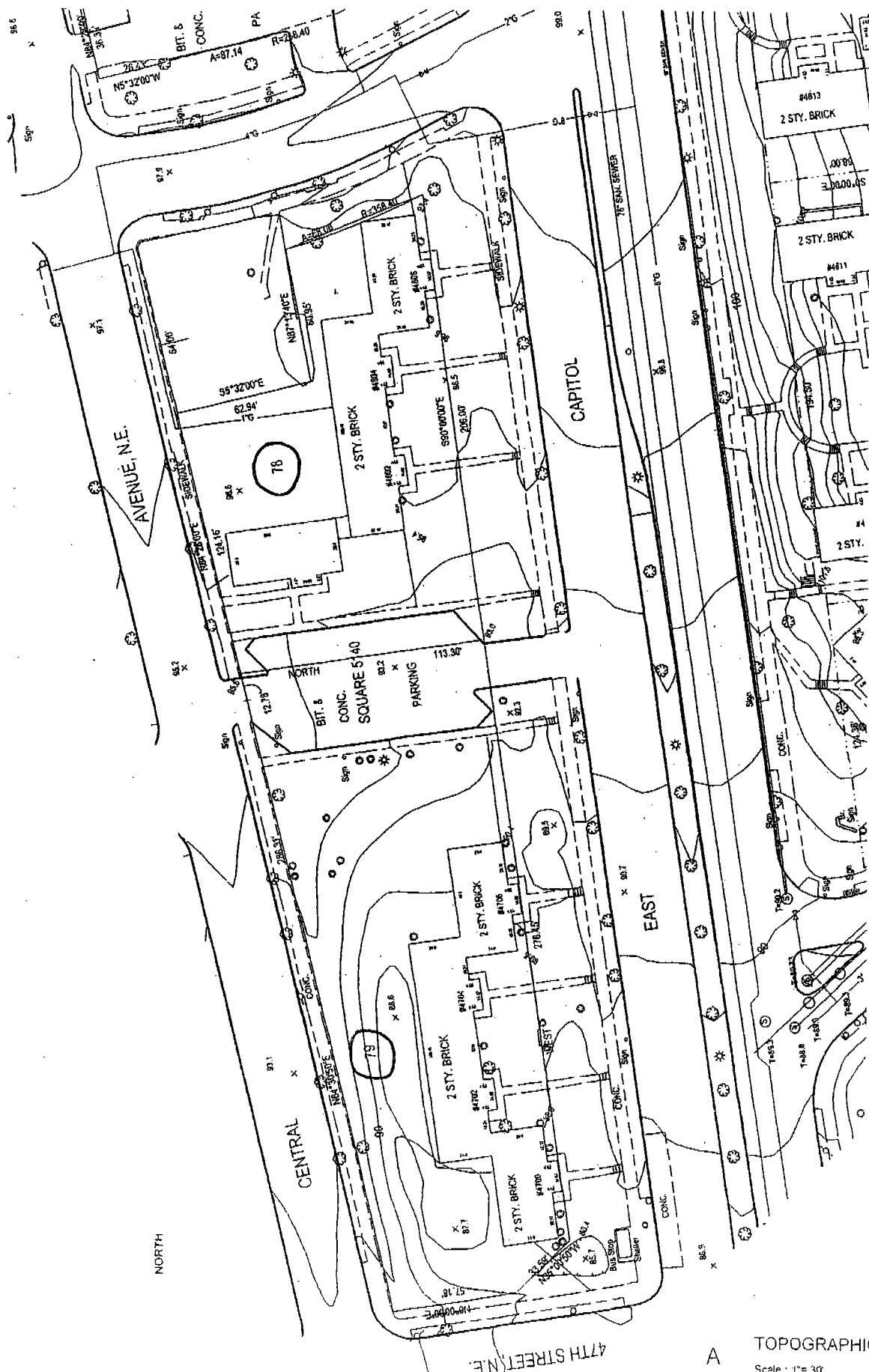
**Z.C. ORDER NO. 04-04**

**Z.C. CASE NO. 04-04**

**PAGE 11**

**MAY 13 2005**

In accordance with the provisions of 11 DCMR 3028, this Order shall become final and effective upon publication in the D.C. Register, that is, on \_\_\_\_\_.



A TOPOGRAPHIC SITE PLAN  
Scale: 1" = 30'

59. 5140, Lots 78 + 79

4658

Case #04-0

MAY 13 2005

**DISTRICT OF COLUMBIA REGISTER**

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
ZONING COMMISSION ORDER NO. 04-13**

**Case No. 04-13**

**Consolidated Planned Unit Development & Related Map Amendment for  
the Property Located at 1200-1224 R Street, N.W.  
Lots 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 45 in Square 277  
March 14, 2005**

Pursuant to notice, the Zoning Commission for the District of Columbia held a public hearing on December 2, 2004 to consider an application from Logan Phase II, LLC (the "Applicant"), for consolidated review and approval of a planned unit development ("PUD") and related map amendment to rezone the property from the R-4 District to the R-5-B District. The application was filed on behalf of and with the consent of Metropolitan Baptist Church, Elery Dunn, Marie B. Carter, and Yvonne Rosenberg, the contract sellers of the PUD site. At the time of the hearing, the church had sold its property to the Applicant. The Commission considered the application pursuant to Chapters 24 and 30 of the D.C. Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR"). The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below, the Zoning Commission hereby approves the application.

**FINDINGS OF FACT**

**The Application, Parties and Hearing**

1. On May 20, 2004, the Applicant filed an application with the Zoning Commission for consolidated review and approval of a PUD for the property located at Lots 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 45 in Square 277, at 1200-1224 R Street, N.W., Washington, D.C. The project site has a street frontage of approximately 253 feet on R Street and approximately 109 feet on Vermont Avenue. The PUD site consists of approximately 23,251 square feet of land area and is located in the R-4 District. The Applicant also requested a map amendment to rezone all of the property except Lot 45 from the R-4 District to the R-5-B District. The application was later amended to include Lot 45 in the rezoning request.
2. At its public meeting held July 12, 2004, the Zoning Commission requested additional information from the Applicant. At its public meeting held September 13, 2004, the Zoning Commission voted to schedule a public hearing on the application.

MAY 13 2005

3. After proper notice, the Zoning Commission held a hearing on the application on December 2, 2004. The parties to the case were the Applicant and Advisory Neighborhood Commission 2F, the ANC in which the property is located.
4. There were no parties in opposition. The record contains one letter in opposition from the resident at 1645 13th Street, N.W., who expressed concern about overbuilding in the Logan Circle neighborhood, construction of another "high-rise" building and parking shortages. The resident did not appear at the hearing.
5. By letters dated August 25, 2004, and November 28, 2004, Jack Evans, Councilmember for Ward Two, expressed his strong support for the project, noting that: a) the project is critical for continued residential development and stabilization of the Logan Circle area; b) the provision of housing, affordable housing, and parking for sale to the neighborhood are significant benefits of the PUD; c) the design is consistent with the adjacent historic district; and d) the overall benefits and amenities are exceptional to warrant a waiver of the minimum area requirements for a PUD in the R-5-B District.
6. ANC 2F submitted a report and testified as a party in strong support of the application at the hearing. The ANC noted that the benefits and amenities of the PUD are exceptional in quality to satisfy not only the PUD standards but a waiver from the minimum PUD area requirements as well.
7. At the close of the hearing, the Commission held the record open to receive the following additional items: (i) additional architectural drawings to correct inconsistencies between the elevations and plans, particularly with respect to the stairs; (ii) an architectural drawing showing the retaining wall and guard rail and the rear elevation; (iii) photographs of the building materials; (iv) a more detailed explanation of the church community programs as a public benefit and how the room is integrated with the condominium association; mechanisms for controlling any adverse impacts; the life expectancy of the church program and plans for the space if the church programs relocate. The Applicant submitted the requested materials on December 21, 2004.
8. At its meeting held January 13, 2005, the Zoning Commission took proposed action by a vote of 5-0-0 to approve with conditions the application and plans that were submitted to the record.
9. The proposed action of the Zoning Commission was referred to the National Capital Planning Commission ("NCPC") pursuant to § 492 of the District Charter. NCPC, by action dated January 28, 2005, found the proposed PUD and related map amendment would not affect the identified federal interests in the National Capital nor be inconsistent with the Comprehensive Plan for the National Capital.
10. The Zoning Commission took final action to approve the modified application on February 24, 2005.

**Waiver of Minimum PUD Area Requirements**

11. The minimum area requirement for a PUD in the R-4 District is one acre (43,560 square feet). The PUD site, however, contains only 23,251 square feet of land area. Thus, the Applicant requested a 47-percent waiver of the minimum area requirement. Pursuant to § 2402.2, the Zoning Commission may waive up to 50 percent of the area requirement if it finds that the development is of exceptional merit and in the best interest of the city and if 80 percent of the gross floor area of the project is devoted exclusively for dwelling units and accessory uses thereto when the project is located outside the Central Employment Area. Here, the project is located outside the Central Employment Area and 100 percent of the building will be devoted exclusively to dwelling units and accessory uses thereto. Moreover, the project is one of exceptional merit in that it exceeds the Office of Planning policy guideline for affordable housing and will provide an environmentally friendly "green" roof, as described in greater detail below. Accordingly, the Zoning Commission finds that the Applicant meets the test for a reduction in the minimum area requirement.

**The PUD Project****Overview**

12. The proposed PUD is a four-story condominium building that will consist of 62,996 square feet of gross floor area. The building will contain 63 units, five of which will be devoted to affordable housing. The PUD will provide 89 parking spaces, 20 of which will be made available for sale to the community. The project will also include a church community room consisting of 3,479 square feet of space. Six of the remaining 69 spaces will be allocated for use by the church community room.
13. The site is presently improved with a non-conforming commercial use at the corner, two- and three-story apartment houses, church offices, row dwellings and a vacant lot. The buildings on Lots 14-23 will be demolished to allow for the new construction. The rowhouse on Lot 45 will be renovated as a separate three-unit building within the PUD.
14. The area surrounding the PUD site is characterized by moderate-density residential uses, with row houses and garden apartments as the predominant uses. Churches are located across R Street to the north and along Vermont Avenue, N.W. The site also abuts some of the small commercial businesses that are located along 12<sup>th</sup> and 13<sup>th</sup> Streets.

**Project Design and Components**

15. The PUD project has been designed to achieve a high-quality composition of residential uses in a cohesive urban setting. The design breaks down the R Street elevation to mimic the rowhouse character of the surrounding area. Projecting bays modulate the appearance of the length of the building along R Street, while various materials differentiate between the partially exposed cellar and the main floors of the structure. The building will be



constructed to a height of 50.5 feet with an overall floor area ratio ("FAR") of 2.68, whereas 3.0 FAR permitted under the PUD guidelines for the R-5-B District.

16. The main entrance to the building will be located in the center of the R Street elevation. Several of the first floor units along R Street will have separate entrances accessed by individual exterior stairs, which mirror the typical District of Columbia square bay rowhouse. A secondary entrance will be located on Vermont Avenue. A separate door at the western end of the R Street elevation will provide access to the garage only, for those area residents leasing parking spaces in the building. Controlled key access to the garage will ensure the safety of those parking in the building and residents of the new development.
17. The garage entrance will be located at the rear of the building off a 10-foot alley accessed from Vermont Avenue. The service and delivery area for the building will also be located off the alley. Extensive landscaping will surround the building in an undulating pattern as a contrast to the square-bay front of the building. A three-foot decorative iron fence, reminiscent of the type found in the surrounding late-nineteenth century neighborhoods, will enclose the lawn of the property.
18. As condition of sale of its property to Logan Phase II, LLC, Metropolitan Baptist Church required the Applicant to provide the church approximately 3,600 square feet of space for use as a community room. The space as configured will contain 3,479 square feet and will be sold to the church as a condominium unit, governed by the same condominium regime created for the residential units. Metropolitan Baptist Church will be the owner of this space and will have control and use of the room. However, the community room will be made available for use by residents of the building and community organizations at least two days per month. Additional times may be arranged through the Church as the room is available.
19. Metropolitan Baptist Church will use the community room to maintain some of its urban ministries in the Shaw community. The space will include a multi-function room for approximately 80 people to be used as a chapel for small weddings, funerals and other religious services and events; a museum showcasing Metropolitan Baptist Church's history in the District of Columbia; and approximately three small ministry offices (or such office space as may be required for the church to conduct its affairs) for counseling and therapy programs for individuals and small groups. The offices and multi-purpose space will also host literacy programs for citizens of the Shaw community and the District of Columbia at large, community development programs such as housing counseling and financial literacy programs for small groups, and other such programs and initiatives that are consistent with the church's historic contribution to community welfare and growth. The space will also include a reception area, a closet, a small kitchenette and restrooms. The multi-purpose room will be able to seat approximately 80 people, an additional five people at the stage area, and another one or two persons per office for a maximum total capacity of approximately 91 persons.

MAY 13 2005

**Matter of Right Development Under Existing Zoning**

20. The subject site is located in the R-4 District. The R-4 District is a moderate height and density area that permits row dwellings and similar residential uses. The maximum height permitted in the R-4 District is 40 feet with a limitation of three stories. There is no prescribed maximum FAR for residential development in the R-4 District.

**Matter of Right Development Under Proposed Zoning**

21. The Applicant seeks to rezone the PUD site from R-4 to R-5-B. The R-5-B District is a moderate height and density area that permits all types of urban residential development, including single-family dwellings, semi-detached houses, row dwellings and apartments. The maximum height in the R-5-B District is 50 feet with no limitation on the number of stories. The density for all buildings and structures on a lot may not exceed 1.8 FAR. The PUD standards for the R-5-B District allow a height increase to a maximum of 60 feet and a maximum density of 3.0 FAR.

**Development Flexibility and Incentives**

22. The Applicant requested the following areas of flexibility from the Zoning Regulations:
- a. Lot Occupancy and Side Yard Requirements. The Applicant proposes a lot occupancy of 72 percent where a maximum of 60 percent is permitted. Similarly, the project provides a side yard of 7 feet, 3 inches instead of the required minimum of 12 feet, 7 inches, based on a calculation of three inches for every foot of building height (see 11 DCMR § 405.6). The deviation from these standards is dictated by constraints of the site and the desire to conform to urban streetscape patterns of the neighborhood, as requested by the community. The site fronts on three streets: 12th Street, Vermont Avenue and R Street, N.W. A 10-foot alley abuts the site to the south. For zoning purposes, the front of the building is located on R Street and the rear of the building is along Vermont Avenue (see 11 DCMR § 404.2). The building setback along the alley elevation creates a side yard under the zoning regulations. The Applicant originally designed the building to provide a conforming side yard; however, it left a gap along the Vermont Avenue streetscape. The community expressed its concern that this gap severely detracted from the urban fabric of the Logan Circle neighborhood and specifically requested that the building be redesigned to extend the Vermont Avenue elevation further south. This change in design also increased the portion of the site occupied by the project. Under the PUD guidelines, the Applicant could have designed the project to reach a height of 60 feet, without an increase in density, to comply with the lot occupancy and side yard provisions. Again, however, in order to conform to the character of the surrounding neighborhood and the express wishes of the community, the Applicant reduced the height to 50.5 feet without reducing the number of new residential units. As a result of this redesign, however, the project does not meet the minimum requirements for side yard and lot occupancy. Because of the

MAY 13 2005

unusual characteristics of the site – the PUD is bounded on four of its five sides by public right-of-ways – the light and air of the residents will not be unduly affected. Based on the above, the Commission finds that the proposed deviation from the side yard and lot occupancy requirements is appropriate.

- b. Loading Requirements. The zoning regulations require apartment buildings with more than 50 units to provide a truck loading berth with a depth of 55 feet. Instead, the PUD proposes a loading berth of 30 feet. The Zoning Commission has previously found in other PUDs that, based on reports of traffic engineers, a 55-foot loading berth has proved unnecessary for a residential building of this size. (*See, for example*, Z.C. Order No. 03-26, 14th & V PUD, August 5, 2004.) The units in the proposed PUD will be modest in size, averaging approximately 880 to 1,050 square feet each, and will be marketed primarily to first-time home buyers with one or two persons per household. Based on statistics submitted for much larger PUDs, such households will generate a need only for smaller trucks or transport vehicles. Surveys of condominium projects ranging from 58 to 300 units indicate that the arrival of a large tractor-trailer is a rare occurrence and that the absence of a 55-foot loading berth for residential use does not create any adverse impacts. Further, truck rental facilities have confirmed that a 14- or 15-foot van or small truck is most frequently used for moving purposes. Consequently, the Commission finds that a smaller loading berth will not adversely affect traffic circulation patterns or loading issues in the immediate vicinity of the proposed PUD.
- c. Church Community Room. The PUD proposes to include a community room used for various church programs. Section 216 of the Zoning Regulations allows church programs in residentially-zoned districts through special exception relief provided certain criteria are met. The Applicant is requesting flexibility from § 216.7, which limits approval to a three-year period. To ensure privacy, all access to the community room will be from either the Vermont Avenue entrance or the stairwell leading up from the garage, with no access to the residential portion of the building. This and other conditions set forth in this Order will be included in the condominium documents for the property to ensure the greatest protection from any adverse impacts on the residents and adjacent properties.

### **Public Benefits and Amenities**

23. The following benefits and amenities will be created as a result of the PUD Project:

- a. Housing. The single greatest benefit to the area, and the city as a whole, is the creation of new housing and home-ownership opportunities consistent with the goals of the Zoning Regulations, the Comprehensive Plan and the Mayor's housing initiative. The project will provide 63 condominium units, or 62,996 square feet of gross floor area devoted to housing and affordable housing under the proposed R-5-B District, which is approximately 21,144 square feet more than

MAY 13 2005

would be permitted as a matter of right in the R-4 District if the site were vacant. Under the proposed R-5-B zoning, the Applicant will also be able to house significantly more residents in the 63 condominiums, or approximately 60 percent more units than the site presently accommodates. Currently, the site has 39 residential units, at least 15 of which are apartment units, a housing type not permitted under the existing R-4 District. If the entire site were vacant, the Applicant could build only 22 units (11 flats) under the existing zoning.

- b. Affordable Housing. Five of the proposed 63 units in the PUD project, consisting of 5,833 square feet of gross floor area including a core factor (approximately 5,293 net square feet), will be available for sale as affordable housing to residents with a maximum annual income of 80 percent of the adjusted median income. This represents 25 percent of the additional square footage achieved through the rezoning of the property, which is in excess of the 15 percent policy guideline recommended by the Office of Planning. Significantly, four of the five units are two-bedroom, two-bathroom units, which will more readily accommodate families with children. The Commission finds this level of affordable housing to be an exceptional benefit of the PUD.
- c. Urban Design, Architecture and Landscaping. The proposed new building has been sensitively designed to complement and respect the surrounding neighborhood. The overall composition reinforces the broad and lively elements of the Logan Circle neighborhood, and respects the scale, massing, architectural design and context of the neighboring 14th Street Historic District. The exceptional quality of the building's design is derived not only from its architectural detailing, but also from its features of urban design and land planning. With respect to land planning, the project transforms a dilapidated block of obsolete buildings and several non-conforming uses into a cohesive new residential development that increases the number of housing units in direct response to the Mayor's goals for additional housing. The project responds to its trapezoidal, corner lot by conforming the massing of the building to the street angles, creating distinct but complementary facades along Vermont Avenue and R Street.
- d. Environmental "Green Roof" Technology. One of the most significant elements of the project is the introduction of a high-elevation "green roof." Part of an innovative low-impact environmental technology, a green roof is a rooftop planted with pollution-reducing vegetation that also enhances the energy efficiency of a building. It is the third high-elevation green roof in the city, and among the first residential buildings to adopt this technology based on statistics maintained by D.C. Greenworks. Approximately 50 percent of the rooftop will be planted with low-growing succulent plants of various species. Preliminary reports on green roofs in other American and European cities suggest that storm water runoff and rooftop temperatures will be reduced significantly at the PUD site, which will help improve water quality in area rivers and the Chesapeake Bay.

MAY 13 2005

Reduced temperatures also result in less air pollution, particularly on Code Orange and Red days in the summer. The inclusion of a green roof on the residential PUD project will complement the environmental efforts of other pioneering projects, and is a significant and innovative public amenity of the project. It promises to encourage other residential developments to adopt these environmentally-friendly and energy-saving measures.

- e. Transportation/Parking. Of significant value to the immediate neighbors of the PUD site is the provision of 20 parking spaces for sale to residents within a two-block radius of the project. The Logan Circle and Shaw neighborhood suffer from a severe parking shortage. The Applicant's sale of these 20 spaces will help alleviate this chronic problem of the community. A condominium lot will be created for each one of the parking spaces in order to allow for the sale of the spaces.
- f. Historic Preservation. In recognition of the neighboring Greater 14th Street Historic District, the Applicant has committed to fund 20 signs to identify the historic area. The signage will be instrumental in informing residents of the benefits and obligations of living in an historic district, including the need to obtain any necessary historic preservation review prior to making any exterior changes to their property.
- g. Uses of Special Value to the Neighborhood. The Applicant will contribute \$20,000 to the D.C. Department of Transportation to facilitate the implementation of the 11th Street Streetscape Plan. The 11th Street Streetscape Plan will benefit not only the community, which will benefit directly from the improvements, but also those that travel on 11th Street as its improved appearance will be visible to all that use it. The Applicant has coordinated with DDOT to ensure the funds are earmarked for those specific improvements.
- h. Community Room. The community room will be available for use by residents of the building and community organizations at least two days per month church or more as demand warrants. At other times, the community room will be used to provide church programs for the benefit of community residents.

#### **Compliance with the Comprehensive Plan**

24. The project is not inconsistent with the Comprehensive Plan as follows:

- a. Generalized Land Use Map for the District of Columbia. The proposed development is consistent with the Generalized Land Use Map, which designates Square 277 for moderate-density residential uses, characterized predominantly by row houses and garden apartments. Consistent with these land use categories, the proposed PUD will consist of a 63-unit condominium building and community room. The overall density will be 2.68 FAR.

- b. Housing Element. The proposed PUD significantly promotes the Housing Element set forth in the Comprehensive Plan. The new development is specifically designed to combine market-rate housing with affordable housing units and provide a venue for community programs. Not only will the PUD replace several smaller, obsolete housing units with modern dwellings and a community room, it will also provide an additional 20 parking spaces for use by community residents. Additionally, the new residential project will be easily accessible to transportation and retail stores along the 14th Street corridor and employment opportunities in the immediate area and downtown Washington.
- c. Urban Design Element. The proposed development enhances and supports the major urban design goals of the Comprehensive Plan. The architect's design creates a contemporary building that incorporates traditional elements of the District of Columbia rowhouse form. This sensitive composition respects the urban character of the neighborhood and contributes to the vitality of the urban streetscape.
- d. Land Use Element. The proposed PUD responds to the goals of the Land Use Element by addressing obsolete housing units by replacing them with a high-quality, efficient residential building. The superior design of the proposed development will enhance and revitalize this segment of Ward 2, thereby stimulating economic and employment opportunities.
- e. Transportation Element. The PUD fosters the policies of the Transportation Element and makes the proposed development attractive by not only providing sufficient parking spaces for each unit in excess of the Zoning Requirements, but by responding to the parking shortage in the area by offering an additional 20 spaces for area residents in direct response to community concerns.
- f. Ward 2 Elements of the Comprehensive Plan.
  - (i) *Ward 2 Economic Development:* The proposed PUD furthers the Ward 2 Economic Development Element by creating additional residential opportunities in the ward while increasing income and property tax revenues to the District.
  - (ii) *Ward 2 Housing Element:* The proposed development furthers the goals of the Ward 2 Housing Element through the development of high-quality housing in a mixed-use area that is in close proximity to public transportation.
  - (iii) *Ward 2 Transportation Element:* Parking within the ward is identified as a major problem due to evening visitors, student parking and the lack of parking provisions for many residential dwellings. The proposed development will further the goal of providing sufficient parking by creating 89 new parking spaces for the site, 20 of which will be available

MAY 13 2005

for sale to area residents to alleviate parking congestion in the immediate vicinity.

- (iv) *Ward 2 Urban Design Element:* The proposed development furthers the Ward 2 goals for urban design by enhancing the physical character of the area through an appropriate design and complementing the materials, height, scale and massing of the surrounding neighborhood.
- (v) *Ward 2 Residential Land Use Element:* The project supports the Residential Land Use Element of the Comprehensive Plan by establishing a new residential use that will significantly enhance the character of the neighborhood. The proposed PUD substantially furthers the goals of this element through the provision of both market-rate and affordable housing units.

### **Office of Planning Report**

- 25. By report dated November 18, 2004, the Office of Planning ("OP") recommended approval of the consolidated PUD application, finding that the benefits and amenities were not only commensurate with the relief requested, but were of exceptional merit to warrant a waiver of the minimum area requirements for the PUD. OP conditioned its approval on limiting signage for the community room to four square feet in size and limiting approval of the community room to a period of three years, consistent with the time limit on a special exception for church programs set forth in § 216.7, in order to assess any potential adverse impacts on the residential community. Based on questions raised by the Commission at the hearing, however, and in further consultation with the Applicant and post-hearing submissions submitted to the record, OP revised its three-year limitation recommendation. Instead, OP concurred that the church programs could be adequately monitored and controlled through provisions in the condominium documents to ensure that residents of the building and community were protected from any potential adverse effects. Further, should the community room outlive its useful life, OP concluded that the church should be permitted to convert and sell the space for use as one to three additional residential units. OP viewed this as exchanging one benefit for another.
- 26. In a Supplemental Report dated January 3, 2005, the Office of Planning recommended that approval of the use of the community room for church programs should be subject to the following conditions:
  - a. The maximum number of people within the community room would be 91, broken down as follows:
    - Multi-Purpose Room: 80 persons
    - Stage: 5 persons
    - Offices: 6 persons

MAY 13 2005

- b. No commercial rentals of the community room would be permitted, and the room could not be used as a community food bank.
- c. All programs must end by 10:30 p.m., with all clean-up related activities ending by 11:00 p.m. Only the offices may be occupied after 11:00 p.m., but limited to employees only, with no counseling permitted.
- d. An extra layer of drywall or other soundproofing material must be provided for the ceiling of the community room to soundproof the space from the dwellings located directly above.
- e. All access to the community room must be from either the Vermont Avenue entrance or a stairwell leading up from the garage, with no access to the residential portion of the building.

27. In response to OP's recommendations, the Commission finds as follows:

- a. The proposed use of the community room for church programs need not be evaluated in the context of § 216, which allows church programs in residentially-zoned districts through special exception relief provided certain criteria are met. Under § 2405.7, the Zoning Commission may, as part of a PUD, approve any use that is permitted as a special exception and that would otherwise require the approval of the Board of Zoning Adjustment, and the Commission is not required to apply the special exception standards normally applied by the Board. Nevertheless, the Zoning Commission agrees with the Office of Planning that its proposed conditions (b), (d) and (e) would be beneficial in mitigating any potential adverse impact of the proposed use of the community room for church programs. Those conditions, together with the conditions proffered by the Applicant, will be incorporated in and enforced by the condominium documents for the project. The Commission therefore finds that it is unnecessary to impose a three-year limitation on the use. Moreover, such a limitation would be inconsistent with the Commission's recognition of the church community room as a public benefit, which must remain available throughout the lifespan of the PUD.
- b. Because the church community room is being proffered as a public benefit of this PUD, it would be inappropriate and premature to either discuss its discontinuance or to indicate what might be substituted in its place. Not only would such a discussion intrude upon the future prerogatives of this Commission, but it would send the wrong signal to the present and future owners of the subject property with respect to their legal obligation to maintain a church community room for so long as this PUD is in place.
- c. The Commission further finds it appropriate to restrict signage at the property to one sign, no more than four square feet in size, to be located outside the Vermont Avenue entrance to the property.



**CONCLUSIONS OF LAW**

1. Pursuant to the Zoning Regulations, the PUD process is designed to encourage high-quality development that provides public benefits. 11 DCMR § 2400.1. The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project “offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare, and convenience.” 11 DCMR § 2400.2.
2. Under the PUD process of the Zoning Regulations, the Zoning Commission has the authority to consider this application as a consolidated PUD. The Commission may impose development conditions, guidelines and standards that may exceed or be less than the matter-of-right standards identified for height, FAR, lot occupancy, parking, loading, yards, or courts. The Zoning Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment.
3. The development of this PUD project carries out the purposes of Chapter 24 of the Zoning Regulations to encourage the development of well-planned developments that will offer a variety of building types with more attractive and efficient overall planning and design, not achievable under matter-of-right development.
4. The PUD project exhibits exceptional merit by virtue of its affordable housing, whereby 25 percent of the bonus density earned as a result of rezoning the site is dedicated to affordable housing and by virtue of its innovative green roof technology. Accordingly, the Applicant has met its burden of proof to warrant a 47 percent reduction in the minimum area requirement for a PUD in the R-5-B District.
5. The PUD as approved by the Commission, including its approval pursuant to § 2405.3, complies with the applicable height, bulk and density standards of the Zoning Regulations. The residential uses for this project are appropriate for this site, which is located in the Shaw residential neighborhood. Accordingly, the project should be approved. The impact of the project on the surrounding area is not unacceptable. As set forth in the Findings of Fact, the proposed development has been appropriately designed to respect the residential character of the neighborhood and the adjoining 14th Street Historic District in terms of height and mass and is complementary to adjacent buildings.
6. The application, including the request to approve the church program use, can be approved with conditions to ensure that any potential adverse effects on the surrounding area from the development will be mitigated.
7. The number and quality of project benefits and amenities offered, particularly the provision of housing, affordable housing, the green roof, the community room and the church program use are commensurate with the degree of development flexibility granted on the site. The PUD responds to both the surrounding residential developments and the neighboring historic district.

MAY 13 2005

8. Approval of this PUD is appropriate, because the proposed development is consistent with the present character of the area.
9. Approval of this PUD and change of zoning to the R-5-B District is not inconsistent with the Comprehensive Plan.
10. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001)), to give great weight to OP recommendations. The Commission carefully considered the OP reports and, as explained in this decision, finds its recommendation to grant the applications with certain conditions persuasive.
11. Under § 3 of the Comprehensive Advisory Neighborhood Commissions Reform Act of 2000, effective June 27, 2000 (D.C. Law 13-135, D.C. Official Code § 1-309.10(d)(3)(a)), the Commission must give great weight to the issues and concerns raised in the written report of the affected Commission. The Commission has carefully considered the ANC's recommendation for approval and concurs in its recommendation.
12. The application for a PUD and related map amendment will promote the orderly development of the site in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.
13. The applications for a PUD and related map amendment are subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

### **DECISION**

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia orders **APPROVAL** of the application for consolidated review of a Planned Unit Development for the property located at Lots 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 45 in Square 277, at 1200-1224 R Street, N.W., Washington, D.C., and **APPROVAL** of the application for a map amendment to rezone that same property from the R-4 District to the R-5-B District. This approval is subject to the following conditions:

1. The PUD shall be developed in accordance with the plans prepared by Eric Colbert and Associates dated April 27, 2004, August 21, 2004, October 5, 2004, and December 14, 2004, and marked as Exhibits 3, 14, 24, and 35 in the record, as modified by the guidelines, conditions and standards herein.
2. The project shall be a residential development constructed to a maximum height of 50.5 feet and a density of 2.68 FAR. The PUD shall consist of approximately 62,996 square feet of gross floor area.
3. The project shall provide a minimum of 63 residential units, of which five will be available for sale as affordable housing to persons with maximum annual incomes of 80

MAY 13 2005

percent of the adjusted median income pursuant to eligibility requirements and enforcement mechanism to be developed in accordance with D.C. Department of Housing and Community Development recommendations. The units to be reserved for affordable housing are as follows:

Unit #3, lower level	2 BR, 2 BA	1,169 sf
Unit #14, lower level	1 BR + den, 1BA	811 sf
Unit #10, first level	2 BR, 2 BA	1,136 sf
Unit #11, first level	2 BR, 2 BA	1,136 sf
Unit #1, second level	2 BR, 2BA	1,041 sf
TOTAL		5,293 sf (net)

4. Approximately 3,479 square feet of space on the cellar level shall be used as a community room providing church programs, subject to the following conditions:
  - a. The community room shall include a multi-purpose assembly room with a seating capacity of 85 people (including the stage area) and a small kitchenette;
  - b. The community room may include a church museum, approximately three ministry offices or such other office space as may be necessary for a church to conduct its affairs, and a reception area;
  - c. The community room may be used for small weddings, funerals or other religious services and events; literacy programs for citizens of the Shaw community and the District of Columbia at large; community development programs such as housing counseling and financial literacy programs, and other such programs and initiatives that are consistent with a church's mission, and all other uses allowed in the R-5-B District as a matter-of-right and as a church program. This space may be reconfigured to meet the program need identified above;
  - d. The community room shall be made available at least two times a month or more as demand warrants, to residents of the building and community organizations. Such additional times shall be arranged through the church occupying the space as the room is available;
  - e. Any programs conducted in the community room shall end no later than 11:00 p.m.;
  - f. Subject to the requirement of 12A DCMR § 3107 (SIGNS), the church occupying the space may install one sign, four square feet in size, at the Vermont Avenue entrance of the project to identify its presence in the building;
  - g. No commercial rentals of the community room shall be permitted and the room shall not be used as a community food bank;

MAY 13 2005

- h. An extra layer of drywall or other soundproofing material shall be provided for the ceiling of the community room to soundproof the space from the dwellings located directly above; and
  - i. All access to the community room shall be from either the Vermont Avenue entrance or the stairwell leading up from the garage, with no access to the residential portion of the building.
- 5. The Applicant shall include the conditions of Paragraph 4 in the condominium documents created for the project. Such documents may include other conditions governing the community room use that are not inconsistent with these or any other conditions of this Order.
- 6. Any proposed change of uses in the community room shall require approval by the Zoning Commission as a modification to the PUD.
- 7. The PUD shall include a minimum of 89 parking spaces, six of which shall be dedicated for use by the community room. Twenty of the remaining 83 spaces shall be offered for sale to residents in the community. Each parking space shall be created as a separate unit within the condominium regime. Sale of the 20 community spaces shall be restricted to residents within a two-block radius of the project. The condominium documents shall include these requirements and provide enforcement mechanisms to ensure the 20 spaces are sold only to eligible persons.
- 8. The Applicant shall incorporate a Greenroof into its project to cover approximately 50 percent of the rooftop, as shown in the architectural plans and as described in the submissions to the record.
- 9. Prior to the issuance of a certificate of occupancy for the project, and in coordination with the D.C. Historic Preservation Office, the Applicant shall contribute funds for the use of the D.C. Department of Transportation to install 20 signs to identify the Greater 14th Street Historic District.
- 10. Prior to the issuance of a certificate of occupancy for the project, the Applicant shall contribute \$20,000 for the use of the D.C. Department of Transportation to facilitate the implementation of the 11th Street Streetscape Plan.
- 11. The Applicant shall have flexibility with the design of the PUD in the following areas:
  - a. to vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators and toilet rooms, provided the variations do not change the exterior configuration of the building;
  - b. to vary the location and arrangement of parking spaces;

MAY 13 2005

- c. to vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction, without reducing the quality of the materials; and
  - d. to make minor refinements to exterior details and dimensions, including cornices, railings and trim, or any other changes to comply with the D.C. Building Code or that are otherwise necessary to obtain a final building permit.
12. No building permit shall be issued for this planned unit development and the related map amendment shall not become effective until the Applicant has recorded a covenant in the land records of the District of Columbia, between the owners and the District of Columbia, that is satisfactory to the Office of the Attorney General and the Zoning Division of the Department of Consumer and Regulatory Affairs (DCRA). Such covenant shall bind the owners and all successors in title to construct on and use this property in accordance with this Order or amendment thereof by the Zoning Commission.
13. The Office of Zoning shall not release the record of this case to the Zoning Division of DCRA until the Applicant has filed a copy of the covenant with the records of the Zoning Commission.
14. The PUD approved by the Zoning Commission shall be valid for a period of two years from the effective date of this Order. Within such time, an application must be filed for a building permit as specified in 11 DCMR § 2409.1.
15. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this Order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above-protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The failure or refusal of the Applicant to comply shall furnish grounds for the denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this Order.

On January 13, 2005, the Zoning Commission approved the application by a vote of 5-0-0 (Carol J. Mitten, John G. Parsons, Gregory N. Jeffries, Anthony J. Hood, and Kevin L. Hildebrand to approve).

The Order was adopted by the Zoning Commission at its public meeting on March 14, 2005, by a vote of 5-0-0 (Carol J. Mitten, Anthony J. Hood, Kevin L. Hildebrand, John G. Parsons, and Gregory N. Jeffries to approve).

MAY 13 2005

In accordance with the provisions of 11 DCMR § 3028, this order shall become final and effective upon publication in the *D.C. Register*; that is on \_\_\_\_\_.

DISTRICT OF COLUMBIA GOVERNMENT  
OFFICE OF THE SURVEYOR

Washington, D.C., December 15, 2003


Plat for Building Permit of SQUARE 277 LOT 45, 14  
15, 16, 17, 18, 19, 20, 21, 22, 23  
Scale: 1 inch=30 feet Recorded In Book WF Page 99

Receipt No. 08581

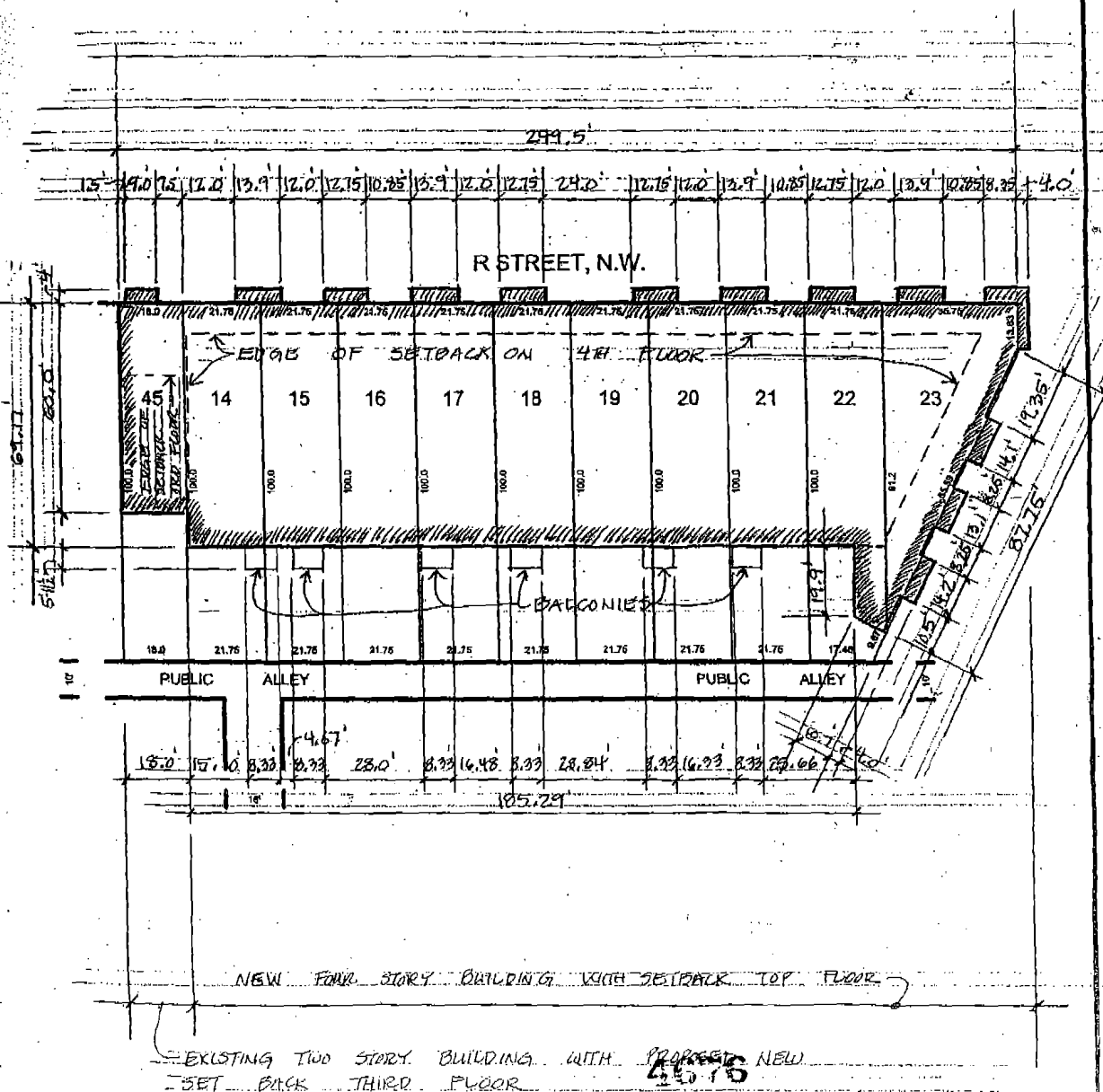
Furnished to: CLARKS PERMIT

  
Surveyor, D.C.By: LMA 

Date: 4/30/04

  
(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF PUBLIC HEARING**

**TIME AND PLACE:** **Thursday, June 23, 2005, 6:30 P.M.**  
**Office of Zoning Hearing Room**  
**441 4<sup>th</sup> Street, N.W., Suite 220-South**  
**Washington, D.C. 20001**

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:**

**CASE NO. 05-03 (Consolidated PUD & Related Map Amendment – Anacostia Gateway Government Center)**

**THIS CASE IS OF INTEREST TO ANC 8A**

On February 8, 2005, the Office of Zoning received an application from the District of Columbia Office of Property Management. The Applicant requests approval of a consolidated Planned Unit Development ("PUD") and related Zoning Map Amendment. The Office of Planning provided its report on March 4, 2005, and the case was set down for hearing on March 14, 2005. The Applicant provided its prehearing statement on April 16, 2005.

The property that is the subject of this application consists of approximately 114,302 square feet of land area and is located at the 1800 block of Martin Luther King, Jr. Avenue, SE, sitting between Martin Luther King Jr. Ave, SE, Good Hope Road, SE, 13<sup>th</sup> Street, SE, and the railroad right of way. It comprises Parcel 224/31; Lot 17 in Square 5600; Lots 54, part of 857, 858, 859, and 860 in Square 5601; and the various portions of the alleys and streets proposed to be closed which currently run through, between and along Squares 5601 and 5600. The subject properties are zoned C-M-1, C-3-A and R-3.

The Applicant proposes to construct a new office building with a gross floor area of approximately 335,270 square feet for the future headquarters of the District of Columbia Department of Transportation. The building will have a maximum height of 80 feet, with the wing at the corner of Good Hope Road and 13<sup>th</sup> Street having a height of 44 feet. The building will contain 436 parking spaces. The project manager for the PUD is CB Richard Ellis, Inc., the architect is Heery International and the land use counsel is Holland & Knight LLP.

Currently Parcel 224/31 is zoned C-M-1, Lot 17 in Square 5600 is zoned R-3, Lots 54, 857, 858, 859 in Square 5601 are zoned C-M-3, and Lot 860 in Square 5601 is zoned C-M-1. The Applicant requests that the subject properties be rezoned C-3-A.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations, 11 DCMR § 3022.



Z.C. NOTICE OF PUBLIC HEARING  
Z.C. CASE NO. 05-03  
PAGE NO. 2

**How to participate as a witness.**

Interested persons or representatives of organizations may be heard at the public hearing. The Commission requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony is described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

**How to participate as a party.**

Any person who desires to participate as a party in this case must so request and must comply with the provisions of 11 DCMR § 3022.3.

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Zoning Commission, and to exercise the other rights of parties as specified in the Zoning Regulations.

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. Persons seeking party status **shall file with the Commission, not less than fourteen (14) days prior to the date set for the hearing, a written statement containing the following information:**

- (a) The person's name, address, and daytime telephone number;
- (b) A request to appear and participate as a party;
- (c) Whether the person will appear as a proponent or opponent of the application;
- (d) Whether the person will appear through legal counsel, and if so, the name and address of legal counsel;
- (e) A list of witnesses who will testify on the person's behalf;
- (f) A summary of the testimony of each witness;
- (g) An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes or qualifications of the proposed experts;
- (h) The total amount of time being requested to present their case; and

Z.C. NOTICE OF PUBLIC HEARING  
Z.C. CASE NO. 05-03  
PAGE NO. 3

- (i) A written statement setting forth why the person should be granted party status, including reference to the following:
- (1) The property owned or occupied by the person, or in which the person has an interest, that will be affected by the action requested of the Commission;
  - (2) The legal interest the person has in said property, such as owner, tenant, trustee, or mortgagee;
  - (3) The distance between the person's property and the property that is the subject of the application before the Commission;
  - (4) The economic, social, or other impacts likely to affect the person and/or the person's property if the action requested of the Commission is approved or denied; and
  - (5) An explanation of how the person's interest as identified in response to paragraph (4) would likely be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than those of other persons in the general public.

The applicant shall also provide the information indicated in (e) through (h) to the extent that the information is not contained in the Applicant's prehearing submission as required by 11 DCMR § 3013.1. The information shall be filed no later than fourteen (14) days before the date of the hearing.

**If an affected Advisory Neighborhood Commission (ANC) intends to participate at the hearing, the ANC shall submit the written report described in § 3012.5 no later than seven (7) days before the date of the hearing. The report shall also contain the information indicated in (e) through (h) above.**

**Time limits.**

The following time limits for oral testimony shall be adhered to unless changed by the Commission, and no time may be ceded:

- |    |                                  |   |
|----|----------------------------------|---|
| 1. | Applicant and parties in support | 60 minutes collectively                   |
| 2. | Parties in opposition            | 15 minutes each (60 minutes collectively) |
| 3. | Organizations                    | 5 minutes each                            |
| 4. | Individuals                      | 3 minutes each                            |

**Z.C. NOTICE OF PUBLIC HEARING  
Z.C. CASE NO. 05-03  
PAGE NO. 4**

Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 210, 441 4<sup>th</sup> Street, N.W., Washington, D.C. 20001. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

**CAROL J. MITTEN, ANTHONY J. HOOD, JOHN G. PARSONS, KEVIN L. HILDEBRAND, AND GREGORY N. JEFFRIES ----- ZONING COMMISSION  
FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR.**

Office of the Secretary of the  
District of Columbia

May 5, 2005

Notice is hereby given that the following named persons have been appointed as Notaries Public in and for the District of Columbia, effective on or after June 1, 2005.

Barrowes, Juan A.	New	Riggs Bank 1800 M St,NW 20036
Blake, Andrew K.	New	Freilicher & Hoffman 919 18 <sup>th</sup> St,NW#250 20006
Bond, Debra J.	New	Goulston & Storrs 2001 K St,NW 20006
Brackett, Sharffeur	New	Riggs Bank 800 17 <sup>th</sup> St,NW 20006
Brown-Hall, Lynda J.	Rpt	4938 12 <sup>th</sup> St,NE 20017
Burdine, Tanya M.	New	2032 N Cap St,NW 20002
Butler-Wimbley, Valarie	New	Girls & Boys Town of DC 4801 Sargent Rd,NE 20017
Butts, Mary D.	Rpt	Powers & Lewis 4201 Conn Ave,NW#400 20008
Carey, Doris A.	New	H U D 451 7 <sup>th</sup> St,SW 20410
Contaste, Sharma	New	Cleary Gottlieb et al 2000 Pa Ave,NW 20006

Danoff, Ruth	New	Fulcrum Partners 3205 R St,NW 20007
Downey, Michele A.	Rpt	Seward & Kissel 1200 G St,NW#350 20005
Foxwell, Linda J.	New	Metro Transit Police Dept 600 5 <sup>th</sup> St,NW#5D-22 20001
Gartland, Dara E.	Rpt	Bell Boyd & Lloyd 1615 L St,NW#1200 20036
Gray, Dorothy J.	Rpt	Amer Veterinary Med Assoc 1910 Sunderland Pl,NW 20036
Haney, Kelly	New	Wachovia Bank 4841 Mass Ave,NW 20016
Holub, Holly	New	Bank Fund Staff F C U 1750 H St,NW#300 20006
Jamison, Priscilla S.	Rpt	Federal Trade Commission 600 Pa Ave,NW#H174 20580
Khalid, Faiza	New	Chevy Chas Bank 1545 Wis Ave,NW 20007
Lai-Mayoral, Mimi	Rpt	Photos Plus 400 C St,SW 20024
Lyles, Martha K.	New	Riggs Bank 1201 Wis Ave,NW 20007
McCann, Jacqueline A.	New	Goulston & Storrs 2001 K St,NW 20006
McCormack, Sarah L.	New	Barker Foundation 1066 30 <sup>th</sup> St,NW 20007
Mantooth, Margery M.	New	Ober Kaler et al 1401 H St,NW#500 20005

Munonye, Ukachi	Rpt	Oluwasegun Obebe & Assoc 6856 Eastern Ave,NW 20012
Nelson-Walski, Leslie K.	Rpt	Miller Balis & O'Neil 1140 19 <sup>th</sup> St,NW#700 20036
Ortolaza, Miraim	New	Chevy Chase Bank 1545 Wis Ave,NW 20007
PeGues, Fanita E.	New	150 Tennessee Ave,NE 20002
Phipps, Kelsey	New	U S Senate/Edward Kennedy 317 Russell S O B 20510
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Reamer, Joseph	New	Riggs Bank 1201 Wis Ave,NW 20007
Saunders, Julie M.	Rpt	Four Seasons Hotel 2800 Pa Ave,NW 20007
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Sockwell, Barbara C.	New	Saul Kerpelman & Assoc 1001 Conn Ave,NW#501 20036
Stovall, Martha M.	New	Winston & Strawn 1400 L St,NW 20005
Teague, Heather	New	I C A 4601 Conn Ave,NW#3 20008

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Uchiyama, Susanne Maki	New	Goulston & Storrs 2001 K St, NW 20006
Voorhees, Monica A.	Rpt	Capital Reporting 1000 Conn Ave, NW#505 20006
Walsh, Lawrence T.	New	Riggs Bank 1800 M St, NW 20036
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